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U.S. considering 'leak legislation'

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Washington—As part of its broad review of laws relating to foreign intelligence, the Carter administration is examining the need for new legislation to curb leaks of classified information to the press, a Justice Department aide said yesterday.

According to Frederick Baron, a special assistant to Griffin B. Bell, the Attorney General, the Carter administration also is considering an effort to rewrite and update the nation's espionage laws to guard against unauthorized disclosures of secret information by government officials.

The National Security Council has been working on a major reorganization of the nation's intelligence agencies and on plans to rewrite the charter governing the operations of the Central Intelligence Agency.

Mr. Baron said the measures against leaks are connected with this NSC effort.

"Leak legislation will be considered as one of the pieces of the puzzle," he said. "It's clearly something you have to do if you want to rationalize the whole field of intelligence law. But no final decision has been made yet. It's not an emergency matter."

An aide to Zbigniew Brzezinski, President Carter's national security adviser,

said he was not aware of any plans for new efforts against news leaks. "That's not one of the President's priorities," said the aide, Jerrold Schecter.

When asked whether he could give assurances that the final intelligence package will not include some form of leak legislation, Mr. Schecter responded:

"Can I assure you? No. I don't know. I don't think so, but the whole policy review is still under discussion. My understanding is that this is not an active option at this point."

The new director of the CIA, Adm. Stansfield Turner, said both at his confirmation hearings and in a subsequent television interview that he favors criminal penalties for CIA officials who leak classified information.

The Ford administration had proposed criminal penalties for government officials who leak national security information, but Congress did not act on the proposal.

In a press conference March 10, President Carter was asked about Admiral Turner's suggestion and responded: "My own interest would be to minimize the use of any criminal penalties for disclosure of information. There are other penalties that can be used without criminal charges," he said.

Mr. Baron said administration officials

have not decided whether penalties against news leaks should be criminal or civil in nature, and have not decided whether penalties should apply solely to government officials or to the press as well.

"At the staff level, we're trying to lay out all the arguments and options," he said.

Under current law, Mr. Baron explained, there is too often what he called "a breakdown in the investigation" of leaks, because reporters generally refuse to disclose the identity of their sources.

He said the Justice Department would probably be the agency responsible for drafting leak legislation, but would do so "in consultation with the intelligence agencies."

The government's best-known effort to impose criminal penalties for the leaking of information was its abortive prosecution of Daniel Ellsberg, who in 1971 gave a copy of the Pentagon papers to the New York Times.

Mr. Ellsberg was charged with violating both espionage laws and laws against theft of government property.

The case was dismissed in 1973 just as Mr. Ellsberg's trial neared an end, after it was disclosed that the Watergate burglars had broken into the offices of Mr. Ellsberg's psychiatrist.